



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Nadj et al.

Application No: 09/931,841

Filed: August 16, 2001

For: SYSTEM AND METHOD FOR
SCHEDULING AND ARBITRATING EVENTS
IN COMPUTING AND NETWORKING

) Examiner: FILIPCZYK, M.

) Art Unit: 2163

) Atty. Docket No: ALTEP072

) Date: February 2, 2007

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on February 2, 2007.

Signed

Melinda Maso-Lao

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)

Commissioner for Patents
Attention: Box Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the Office withdraw the holding of abandonment for failing to timely respond to the Office Action which was mailed on May 25, 2006 with respect to Application No. 09/931,841. An Office Action was mailed by the Office on May 25, 2006, but was never received by Applicants, and a search of the file jacket and docket records indicated that the Office Action was not received. A copy of the docket record for Martine Penilla & Gencarella for the dates August 24, 2006 through November 26, 2006, inclusive, is attached hereto as Exhibit A. A copy of the docket record for Michael L. Gencarella for the dates August 24, 2006 through November 26, 2006, inclusive, is also attached hereto as Exhibit B. As shown by the attached docket records, an Office Action for the above-referenced application mailed by the Office on May 25, 2006 was never received.

The docket records indicate that three months from the mailing of the Office Action, i.e., August 25, 2006, there was no docketed information for an Office Action. The Applicants do not have a history of failing to receive Office Actions.


Applicants have been diligent in their efforts to petition to withdraw the holding of abandonment. On November 28, 2006, the Examiner had a telephone conversation with

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Michael L. Gencarella inquiring whether a response to the May 25, 2006 Office Action was filed. At that time Applicants indicated that no Office Action had been received as evidenced by the attached docket report. Upon receipt of the Notice of Abandonment on January 6, 2007, a search of the docket was made and it was determined the Office Action was never received. Applicants have responded within one month of receiving the Notice of Abandonment and respectfully request that the holding of abandonment be withdrawn for the above Application.

Applicants do not believe any fees are due with reference to the petition. However, if any fees are missing or any additional fees are required to facilitate filing the enclosed response, please charge such fees or credit any overpayment to Deposit Account No. 50-0805 (Order No. ALTEP072).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



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